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tion—1865 to 1871.

SPEECH
OF
WILLARD WARNER,
OF ALABAMA,

DELIVERED

IN THE SENATE OF THE UNITED STATES,

MARCH 3, 1871.

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Re-Construction—1865 to 1871.

The Senate having under consideration the following amendment, proposed by Mr. WARNER, to the joint resolution (H. R. No. 521) repealing the duty on coal:

And that all political disabilities imposed by law or by the Constitution of the United States upon citizens of the United States on account of rebellion are hereby removed—

Mr. WARNER said:

Mr. PRESIDENT: He who would approach the discussion or treatment of a great question of Government, involving the welfare of a large portion of the people, in a purely partisan spirit or with any other intent than to state the truth as he sees it, and to act as his best judgment and conscience dictate, is unworthy to be a citizen of a free country, much less to be an American Senator.

I hold my allegiance to truth and country far above my obligation to party. I support and act with a great political party, because that party is an instrumentality through which I can serve my country and humanity. Seventeen years ago I aided in organizing the Republican party, as an agency through which might be wrought out certain great and noble ends, foremost among which were the immediate limitation and ultimate eradication of human slavery in this country. It became in the hands of Providence the instrumentality through which a gigantic rebellion, inaugurated to sustain and perpetuate slavery through a division of the country, was crushed, the territorial integrity of the Republic maintained, and the equality of rights of men established. And now, while I may criticise some of its acts, I am profoundly convinced that its future success is absolutely necessary to the safety and well-being of the country.

TRUE CONDITION OF RECONSTRUCTION.

The main (and I may say almost the only) objections urged against the plan of reconstruction adopted by Congress, are: first, that the colored men were allowed to vote; and secondly, that a small class of those engaged in rebellion should not be eligible as members

of the State conventions to frame new constitutions for the rebel States; and thirdly, that this same class should not be eligible to any office except by authority of two thirds of Congress. The two first-named features were contained in the act of Congress of March 2, 1867, "for the more efficient government of the rebel States," which provided as follows:

"That when the people of any one of said rebel States shall have formed a constitution of government in conformity with the Constitution of the United States in all respects, framed by a convention of delegates elected by the male citizens of said State, twenty-one years old and upward, of whatever race, color, or previous condition, who have been resident in said State for one year previous to the day of such election, except such as may be disfranchised for participation in the rebellion, or for felony at common law; and when such constitution shall provide that the elective franchise shall be enjoyed by all such persons as have the qualifications herein stated for electors of delegates; and when such constitution shall be ratified by a majority of the persons voting on the question of ratification who are qualified as electors for delegates; and when such constitution shall have been submitted to Congress for examination and approval, and Congress shall have approved the same; and when said State, by a vote of its Legislature, elected under said constitution, shall have adopted the amendment to the Constitution of the United States proposed by the Thirty-Ninth Congress and known as article fourteen; and when said article shall have become a part of the Constitution of the United States, said State shall be declared entitled to representation in Congress, and Senators and Representatives shall be admitted thereon on their taking the oath prescribed by law; and then and thereafter the preceding sections of this act shall be inoperative in said State: *Provided*, That no person excluded from the privilege of holding office by said proposed amendment to the Constitution of the United States shall be eligible to election as a member of the convention to frame a State constitution for any of said rebel States, nor shall any such person vote for members of such convention."

The third-named objection was founded on the provision in section three of the fourteenth amendment to the Constitution of the United States, as follows:

"No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an Executive or judi-

cial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two thirds of each House, remove such disability."

These features form the basis of all the argument against the policy of the Government toward the communities lately in rebellion and of all the partisan clamor about vengeance and tyranny and oppression. The statement of the simple, plain fact that these provisions of law and Constitution contain all of punishment or deprivation ever imposed on those lately engaged in rebellion against the Government proves the utter groundlessness of such clamor, because it proves the unparalleled liberality of the Government.

Sir, looking back over the way which we have come for the past six years, I am fully convinced that universal suffrage was the wisest solution of the great political problem which confronted the country at the end of the war, namely, what to do with the South. I only regret that it was not at once ordained, and that general amnesty for the rebellion was not extended with it. In the then condition of the public mind at the South, both would have been promptly and kindly accepted; the best men of the South would have at once taken hold of the work of reconstruction, and taking the ignorant but honest and kindly slave by the hand, the South would have risen, phoenix-like, from the ashes of her ruin, and we should have been spared many of the painful events of the years since the war, and much of the ill-feeling which unhappily prevails today. General Grant struck the key-note of true reconstruction, and showed the wisdom of the statesman as well as the generosity of the soldier, when he said to Lee and his army, "Go harmless for the past, on condition you obey the laws in future."

EFFECTS OF DELAY AND OF DISABILITIES.

But when the late rebels found that there was to be no punishment for rebellion, and were induced by a faithless President to believe that they should be returned to full political power as before, and when the passions of the war which had been hushed in the hour of defeat had been kindled into life and activity by a conflict between the President and Congress, in which the President told the people of the South that Congress sought to impose conditions of restoration in a spirit of vengeance, it was proposed to them to divide the power, which they were just eagerly clutching, with the late slaves, the effect was to consolidate the white men against the system proposed by Congress, and to leave a few bold friends of the Government and of equal rights to fight the battle alone with the aid of the newly enfranchised race. While the friends of congressional reconstruction were successful in carrying the elections, the result was that very many places of power and responsibility, which required for the proper discharge of the duties

thereof courage, integrity, and high capacity, were sought and obtained by men lacking in all these essential qualities. As a further result have followed failures and corruptions in office, and as a consequence of these, still further prejudice and bitter feeling among those who have been opposed to the Government. This ill-feeling was deepened among the more sensitive and ambitious of the late rebels by finding themselves disabled from holding any office, and they desired to see a system established which gave their late slaves rights which were denied to them.

UNIVERSAL SUFFRAGE THE TRUE PRINCIPLE OF FREE GOVERNMENT.

The action of Congress in establishing universal suffrage as the basis of reconstruction has been much criticised and complained of, but in my judgment this requirement was both wise and just. All concede that intelligence and property should have a voice in free government. Wealth is almost universally allied with intelligence. The right of the ignorant, who are almost universally poor, to political rights, is alone denied, for but few now are disposed to place the denial of the ballot to the negro solely to the account of his color. Any effective educational qualification, applicable to all classes at the South, would have been odious, for it would not only have excluded nearly all the negroes, but many thousands of white men; in Alabama alone from twenty to thirty thousand. I maintain that the ballot is peculiarly and imperatively necessary to the poor and the ignorant for their safety and well-being and for the good of the State. The classes who have wealth and brains and education, or any of them, can protect themselves. It is poverty and ignorance that need to be armed with the ballot, and covered with the shield of the law's equality.

THE BALLOT THE ONLY HOPE OF THE NEGRO.

To have denied the negro equal political rights would have left him in a condition of vassalage and degradation nearly as helpless as slavery itself. Liberty, with all the avenues of hope, ambition, and progress closed to him, would have been but half a blessing, while the most powerful incentive to effort and improvement, and the most direct interest of the State to educate him, would have been lacking. The exercise of the right of suffrage, and the respect and consequence which it gives, are among the most powerful agencies at work for his elevation and improvement. This is the law of nature, that exercise and growth are indissolubly linked to each other. The smith's arm grows strong by use, while the arm in the sling withers and wastes. The brain is quickened, enlarged, and strengthened by use; the doing a thing most quickly learns how to do it well; the use of a tool begets facility and skill in its use; the exercise of the right of suffrage leads to thought how to vote, whom to vote for, the consideration of men and measures, the desire and habit of reading, the listening

to speeches and discussions: and thus continually are men enlightened and stimulated to effort and education. Without the ballot, the vagrant and the pauper, and the oppressive poll-tax laws, which disgraced the statute-books of many of the southern States under the Johnson system of reconstruction, which confined political rights to white men, would not have been so speedily, if ever, swept away, but would rather have been made more stringent. In short, without the ballot, the negro at the South would still, as of old, have had no rights which white men would have felt bound to respect.

You may see the power of wealth and intelligence in the dominating influence of the great corporations of the country, which threaten to so overshadow the land that a member of the Legislature of a great State, with biting sarcasm, moved that the body adjourn, provided the president of a great corporation had no further business for them to do. But who shall speak for the poor, the weak, and the ignorant if they have no votes?

I venture to repeat here what I said in the Senate on the resolution submitting the fifteenth amendment to the States for adoption:

"Knowledge is power. Wealth is power. The learned and the rich scarcely need the ballot for their protection. The great farmer who has his three to five score laborers has a power and influence which no law can take away. It is his landless and dependent tenants, in their cabins and in their ignorance, who need the ballot for their safety. The millionaire in his money, and the man of education in his knowledge and his brain, have each a power in government greater than a hundred ballots, a power which the Constitution neither gives nor can take away. It is the poor, unlearned man, who has nothing but the ballot, to whom it is a priceless heritage, a protection and a shield."

"While no man puts a higher estimate on the value of intelligence in the people than I do, and while no one would do more than I would to encourage the education of the masses, I repeat that it is the disfranchisement and oppression of the poor and the ignorant which it is our duty to guard against. In protecting the poor and the unlearned you are protecting the great laboring, industrial classes of the country. It is these who have made your State, who have felled your forests, worked your mines, dug your canals, built your habitations and churches and school-houses and colleges, laid your railroads, made your engines and your implements, beautified and improved and made pleasant your homes, tilled your soil and filled your granaries, and sent with restless force the life-currents through all the arteries of trade; who have placed the Republic in her present proud rank among the nations. Their brawny arms and strong sinews have wrought out our wealth; upon their broad and stalwart shoulders rests the fabric of our Republic, its government, its laws, its institutions, its civilization. Their stout arms bear forward the car of progress, freighted with the highest hopes of humanity, and they have a right to a voice in the Government, though their poverty and toil have allowed them no opportunities of education.

"The irresistible drift of modern civilization is toward a larger and larger enfranchisement of the people, and our end is a pure democracy. Let us proceed to it with firm and decisive steps. Then we will have no disfranchised, disaffected, clamoring classes, always ready and ripe for tumult, rebellion, and revolution. Then the will of the people, legally and peacefully expressed, will have a weight and a power which will command and insure universal acquiescence and obedience.

"We are relaying the very corner-stone of our tem-

ple of liberty. Let us see that its proportions are broad, true, and ample, and its material indestructible. Our fathers laid the foundation of our Government upon the rock of truth and justice when they proclaimed to the world, in their immortal Declaration, that 'all men are created equal'—not made so by laws and constitution, but by the Creator; but they built badly, though perhaps of necessity, when they countenanced slavery in the provision relating to fugitives. Let us profit by their error, and enlightened by the experience of eighty years, and warned by that experience of the terrible retribution which surely and inevitably follows compromise of truth and justice, follow our principles to their logical conclusion and found this nation on the rock of universal equal human rights, thus settling forever the questions which, never settled aright, have risen again and again to disturb, and finally to desolate our beautiful land."

RECONSTRUCTION AND REFORMATION.

By reconstruction is generally meant the work of restoring the lately rebellious States to their normal legal relations to the Government. But the problem which confronted the patriotic, wise statesman at the end of the late war, was a deeper and more difficult one than merely how or when to admit the rebel States to representation in Congress, and in the Electoral College. The Government had successfully fought a great war, and had conquered submission on the part of its enemies. How, in the hour of victory and in the flush of passion, to make peace wisely; how to hush to perpetual slumber the animosities which created the war, and which had been greatly deepened by it; how to guard against future rebellion; how to protect in their liberty and rights four million human beings, all poor, and nearly all ignorant, who had been freed from slavery, and thus deprived of such protection and care as interest always gives; how to eradicate from the public mind of the whole country, the poison of prejudice and proscription which slavery had infused; how to lay anew the foundations of civil liberty and political equality, excluding the unjust distinctions which the toleration of the enslavement of a portion of the people of the country had made possible and practical; how to meet the vast financial obligations of the Government—these were the great questions which were involved in reconstructing a Government which had been sadly shaken and broken by the tearing up of a great evil, whose roots extended over the whole length and breadth of the land, and were under the very foundations of the Government.

With what was done, and with the now universally-admitted evil consequences of the disagreement between an accidental President and Congress, all are too painfully familiar to need recital. Had there been earnest and bold unity in any policy not inconsistent with human rights, many if not most of the appalling evils which now afflict the southern States might have been much mitigated, if not altogether avoided. But President Johnson, after having helped to give direction to the loyal mind of the country by declaring that a wide distinction must be made between rebels and Union men, and that the rebels must take

back seats, and that he would be the Moses who should lead the late bondsmen from the wilderness and deserts of slavery, into the promised land of liberty and peace, suddenly changed his ground, and became the champion of a plan of reconstruction which contemplated no punishment or deprivation for rebellion, and no guarantee of protection or political rights to the colored race.

One is not entitled to much credit for sagacity or statesmanship for seeing now, in the light of past events, what ought to have been done at the close of the war. Yet I may be pardoned for saying, I am fully convinced that if universal suffrage, universal amnesty, universal education, and obedience to the laws had been made, by the united action of Congress and the President, the corner stones and conditions of reconstruction and restoration, we would now have substantial peace and prosperity at the South and throughout the country.

Amnesty for rebellion would have secured the good will and coöperation of a great body of the white people of the South, and security and protection of the negro would have been secured by this result, and by making these the conditions of amnesty to the whites.

EFFECT OF PROSCRIPTION AND POLITICAL DISABILITIES.

Like begets like. Proscription on one side prompts proscription on the opposite side. Bitterness excites bitterness in return. Toleration toward others tends to produce toleration toward those who exercise it. Through all the ages of human life soft words have turned away wrath, and thus it will ever be while human nature remains unchanged. But if proscription on account of rebellion had been wise, the rule adopted in the fourteenth amendment was not a wise or a just one, for many of the best Union men of the South were proscribed by it, while many of the most active and vehement secessionists escaped its effects.

That a man had held office under the United States before the war, was an evidence of the good will and confidence of his people and of his influence among them, but not of his having been a promoter of rebellion against the Government; nor do I think that the fact of his having taken a formal oath to support the Constitution of the United States, added much, if any, to his obligation to support the Government, or to his guilt in opposing it. Allegiance inheres in citizenship, and oaths never have, and never will have, any force to check revolutions. Under our Constitution you can legally hang a man for treason against the Government, though he has not taken an oath of allegiance to it, and you cannot do more if he has. If you felt that safety and justice demanded some measure of proscription, then you should have been careful to proscriber your enemies and not your friends. To have accomplished this result it would have been better to have disqualified for a time from holding office those who had been the original promoters of secession and rebellion, as shown

by their votes. But my experience and careful observation for the past six years have confirmed the conviction which I held at the close of the war, that political disabilities have been the source of injury and not good to the Government and its friends, and that the day of peace has been postponed and not hastened by their imposition; and such is the general opinion among intelligent, thoughtful Republicans in the South.

DENIAL OF JUSTICE TO SOUTHERN UNION MEN.

A powerful reason for the weakness of the Government party in the South is to be found in the refusal of Congress to place loyal claimants in the rebellious States on the same footing of loyal men in loyal States, on the ground that they are constructive enemies of the Government, because living inside of territorial limits, within which, for a time, the public enemy had control. Though the Senate has taken action looking to a remedy for this wrong, yet as that action has not yet become law, and as this doctrine of constructive treason and public enemies, as applied to loyal citizens of our own country, is, in my judgment, so monstrously wrong, so repugnant to the natural judgment and conscience of the human heart, so opposed to the promise which was held out by the Government and its friends during the great struggle, and so suggestive of mischievous consequences in the future, I cannot, in justice to myself and my constituents, refrain from saying a few words on the subject.

Admitting, if you please, that the inhabitants of an enemy's country have no rights of property which the conqueror is bound to respect, I deny that the doctrine applies to this case. The South was not an enemy's country. Enemies there were in it, enough of them, and bitter too, but the rebellious district was all the while, and never for a moment ceased to be, a part of the American Union, of our undivided and indivisible country. Never for a moment did we absolve the people of those States from their allegiance and duty to this Government, nor was the claim of any part, or any one of them, to be released from allegiance, or from any duty due from them as citizens, ever entertained. Never did we abrogate or relinquish our right to collect taxes, to compel military service, to hang for treason, any individual in these States. When the rebellion was strongest and most hopeful of final success, as at all other times, the whole rebellious district was enfolded in the strong arms of the national Government, and our Army and Navy beleaguered it on every side, and proclaimed to the inhabitants thereof, and to the world, from the mouths of ten thousand cannon, "This is the land of the Republic, and the people thereof are its citizens, and owe it allegiance and service."

Now, when such of these citizens as have maintained their loyalty and allegiance to the Republic through all, and through unparalleled trials and persecutions, come and ask payment,

as other citizens, for material and valuable aid rendered the Government in its effort to subdue insurrection, are we to meet them at the doors of this Chamber with the declaration, "Away with your claims; you are enemies, public enemies of the Government; we will not pay you; we need all the money to pay the Vallandighams of Ohio and the Sons of Liberty of Indiana?" If this be public justice, then I am at a loss to imagine what public injustice would be. If this be sound public policy, then I do not know what unsound policy would be.

If to tell the widows and the orphans of the men of the South who were hung to the limbs of trees for loyalty to our flag, or fell in our armies under it, and whose bones have been gathered by a grateful people into our beautiful national cemeteries, that they cannot be paid for food and forage furnished our soldiers, because they and their husbands and fathers were and are public enemies, be not the very climax of ingratitude, injustice, and inhumanity, then I have misunderstood the theory of this Government and of the late war, and my head and heart are alike wrong.

FEAR OF FRAUD.

But it is alleged that the Government will be defrauded. Sir, there is danger of fraud every where, in Congress, courts, and claimants. Men sell cadetships. Shall you abolish Congress and West Point? This country has furnished an Arnold who would have sold his country. Shall you abolish the Army? Judges have been corrupt. Shall you abolish the courts? Judas betrayed Christ. Was our Saviour and his religion, therefore, to be without apostles? Of course there will be some cheating in these claims, as there will be in everything until the millennium shall have dawned; and when I look over the world from this capital and see how much is to be done, what mighty changes are to be wrought in the hearts of men, I am painfully led to think that the time is far distant when all men will pay in the coin of truth all their obligations to themselves, to society, and to God. And I hope that payment to these noble southern loyalists may not be deferred until that remote day—far more remote, I fear, than the day of specie payments. This taint of fraud; this want of fidelity in every word and act to judgment and conscience; this depravity of the human heart, which, if not total, is bad enough, is not peculiar to the people of the South. We are continually being deceived and defrauded by bad men in all sections of the country. Shall you abolish the mail service because you occasionally get a thieving postmaster? Shall you cease to levy and collect taxes because some citizens make false returns and some of your officers may be corrupt? Shall we cease to appropriate money for the public expenses because some of it will be misapplied? Shall we cease to pay bounties to our soldiers and sailors because some of

them go to cowards and deserters? Shall we cease to elect Presidents because we have had an Andrew Johnson?

The Saviour, in choosing twelve, got one traitor; we ought not to expect to do better. Do not let us refuse to pay our honest debts on the plea that we are afraid that we will pay some that we are not bound to pay. That would be like a man refusing to pay his notes because he was afraid some one might present a forgery. Guard the measure as well as we can against fraud, so that you do not so restrict it as to make it a mockery, a cup of Tantalus, to be seen and not tasted, but avow and enact our duty and our willingness to pay loyal persons for property taken for the use of our armies.

Why, Mr. President, we are paying pensions and bounties to some of these claimants. Only last week we passed a bill granting a pension to an Alabamian. Do we give bounties and pensions to public enemies? Do we make postmasters, revenue officers, marshals, United States attorneys, and judges of enemies?

But, it will be said these people are only enemies in law, not in fact; their treason is only constructive, not real. Mr. President, the class of persons for whom we claim payment are not enemies at all, in any sense, and never have been. They are, and always have been, our best friends. They have not been guilty of treason, either actual or constructive.

Mr. President, we cannot afford to say that these eight or nine million people inhabiting the lately rebellious States are the enemies, publicly or privately, of the Government. We cannot afford to say to the world by our refusal to pay these claims of loyal men at the South that the rebellious States were ever out of the Union; that the confederacy was an established government; that the allegiance of these citizens to the national Government had ceased; that they had all become by successful war aliens and public enemies; that we conquered them all by force of arms; that we hold them all in the Union and in subjection to our laws by military force. This admission would sound badly (in the discussion of the Alabama claims) when repeated by the British minister, would hurt our standing among the nations of the world, would impair the national credit, and discourage loyalty in the future.

No, Mr. President, this veil of constructive treason under which it is sought to hide our otherwise admitted obligation to pay the just claims of truly loyal men at the South is too thin to hide the palpable injustice of denying payment to a widow of one of our own soldiers, to whom you are now paying a pension, for food furnished her husband and his comrades while fighting under our flag.

FRUITS OF RECONSTRUCTION.

But, Mr. President, I want to say a word about the fruits of this system of reconstruction which has been so much abused by the Democratic party. The first grand result to

which I desire to call attention, and which is worth all the sacrifices of the war, is the constitutions of those southern States which guaranty liberty, equal rights, and universal education and universal suffrage. These constitutions are fully up to the spirit of the age, and embody the best ideas of the civilization of the last half of the nineteenth century. They have been the work of the plan of reconstruction established by the Republican party, and of universal suffrage, and all that is required to give prosperity, security of life and property, and happiness at the South is a faithful and honest administration under them by honest and competent men, and the support of a healthful, bold, public sentiment to sustain the officers of the law in enforcing it and in arresting and punishing criminals. But for the condition of universal suffrage imposed by Congress, constitutions so just to all, so wisely regardful of the interests of education and internal development, so in harmony with the advancing spirit of the age, would not and could not have been adopted for at least a generation to come. Thus far has the hand of just progress been pushed forward on the dial of time by a patriotic Congress in adopting a sound principle; and I venture the prediction that no backward wave of Democratic reaction will ever be found strong enough to seriously disturb these constitutions thus firmly founded in wisdom and justice.

These new governments have sometimes been brought into disrepute by the fact that I have before stated, that corrupt and incompetent men have got into position under them, who have not only brought discredit upon the congressional plan of reconstruction, but upon the very principles which underlie it. For those men I have no apology, no defense to make. Some of them, I admit, have been so corrupt that, like the pariahs of India, their shadows would pollute the very water upon which they might fall, and I wish as heartily as any man that we were rid of them. The party of reconstruction and the great principles upon which reconstruction was founded would be the stronger and the country benefited by their riddance.

Much of the responsibilities for the defeat of the Republican party in some of the southern States is due to these incompetent or selfish and corrupt men. I have read somewhere of a traveler in the Alps who saw on the mountain side a poor sheep dragging about its dead comrade, to which it had been tied by a straw-ropo by the shepherd to prevent straying too far. The poor animal had picked every blade of grass and every leaf and twig within reach of its strength to drag the carcass to which it was tied, and was just ready to fall and die when the compassionate traveler cut the straw band and set it free to use and enjoy its natural strength. So these selfish, corrupt, and immoral men have been as dead carcasses chained to Republicanism; and I ask all honest men of all parties to join me in cutting them

loose and in putting the administration of republican government in the hands of honest and competent men. But the Democrats of the southern States have themselves mainly to thank for these base officers, for it was their bitter and intolerant spirit which prevented many good men from taking office under the reconstructed governments. The Democrats sought by proscription, intimidation, and abuse to keep all good men from accepting office, and now abuse us because we have given them bad ones.

But, sir, there has not been a scheme of corruption consummated or projected, in connection with these southern States and municipal governments, in which Democrats have not been full partners and from which they have not had their full share of plunder. I have never yet voted a Democratic ticket, but will agree to do so when all Democrats get to be honest. And when they shall purify the government of the city and State of New York, where they have ample power, I will agree they may cast stones at our southern State governments. What this Democratic government of New York city is, let the following extracts from Democratic papers show. Pomeroy's Democrat of September 28, 1870, says, editorially:

"Democrats here in this Democratic city stand back like cowards, waiting in line with thieves, repeaters, crib-keepers, burglars, murderers, and prison-birds, to see who is a fit man to represent, not the people, but Bill Tweed, Peter B. Sweeney, Slippery Dick Connolly, and a few other owners of mahogany barns, rose-wood hog pens, and veneered palaces filled with furniture charged to and paid for by the city.

"Under the management of our present city officials the credit of the city is not worth so much as the promise of a blackleg or a drunken prostitute. For they will keep their word, while the head sachers of Tammany, claiming to own the city of New York, live by lying, thrive by trickery, fatten in corruption, cheat their supporters, victimize the public, rob the tax-payers, steal from every fund they handle, and pay audited claims of honest business men only on shares."

The New York Evening Free Press, of February 20, 1870, with Senator THURMAN'S name at the mast-head for President in 1872, says, in a leading editorial:

"Were an honest vote cast here, honestly canvassed, these men would not retain their usurped power twenty-four hours, and we should be saved not only from the deep disgrace of being ruled by them, but from being annually robbed of millions of dollars. Will any respectable citizen disinterestedly say that it is contrary to the spirit, intent, and province of a republican Government to adopt the only means left for getting a fair acknowledgment of the will of the voters of this city? We have no hope in State authorities for protection. They are the instruments of the ring, and owe their places and power to the very frands they should be the first to deprecate and overthrow. The police are a large fellow in the ring's great balance wheel, and we can look to them for anything but aid in this extremity."

Let the Democracy get out of their glass houses before they begin stone-throwing.

MILITARY INTERFERENCE.

But, Mr. President, the charge has been heralded forth in every Democratic newspaper of the country, and has been rung in our ears in this Chamber day after day by the Demo-

eratic Senators, that these governments were forced on the people of the southern States by the use of the bayonet; that they are sustained by the Army, and that elections are carried by military interference. I brand all these charges as utterly untrue, and challenge the proof. I make the assertion broadly, from a thorough knowledge of the facts within my own State, that neither the Army, nor any member of it, has ever been used or has ever acted to intimidate, or to control voters, or to influence their votes in favor of the Republican party. The troops have been there simply as the conservators of the peace, and have acted, only when called upon by the proper civil officers, to aid them in the execution of judicial process or the precepts of courts. In no other manner have they ever been used or have they ever acted, during President Grant's administration, and I defy proof to the contrary.

This cry about military interference in elections in the South, and about constitutions being forced on the people by bayonets, is a partisan cry for political effect, and has no foundation in facts. The Senate committee of investigation has been continued through the next session. Upon that committee there have been placed by the Republican President of the Senate two of the ablest Democratic Senators, [Mr. BLAIR and Mr. BAYARD,] who have most loudly repeated this charge that the Army has been used to control the elections at the South. They are in communication with their Democratic friends in the South, as is shown by the communication from Governor Lindsay, of Alabama, which the Senator from Delaware [Mr. BAYARD] caused to be read in the Senate a few days ago. Their Democratic friends in the other House will also be glad to furnish any information they may have on this point. The committee has power to summon witnesses. Now, I challenge them to furnish to the Senate and the country the proof of the truth of this charge of the use of the bayonet to control elections which these Democratic Senators have so often and so boldly made on this floor. Sir, the proof cannot be made in a single instance under General Grant's administration.

Mr. BLAIR. Mr. President—

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Missouri?

Mr. WARNER. In one moment. If these facts are as charged; if, as the Senator from Missouri, who is now appealing to me, says, the troops have been used to drive voters from the polls, the fact can be established, and I hope it may be. Now I will yield to the Senator.

Mr. BLAIR. If the Senator challenges any particular instance of interference of the military, I should like to ask him if the military did not occupy the State-house in his own State to keep out the regularly elected Governor at the last election in the interest of one

who was defeated by the people, and if the military did not succeed in doing it for some time?

Mr. WARNER. I am coming to that very point directly, and I hope the Senator will remain in the Chamber. I shall answer him very fully on that point. For the present I answer "no," most emphatically. The Senator from Missouri, in debating this question of military interference at the South, on the 15th of February, said—I quote from the Globe of February 18:

"It is only necessary now to withdraw the Army from the South, where it is employed in driving voters from the polls and carrying the elections against a majority of the legal voters in those States, and the people will resume their rightful authority."

"Mr. President, I was perfectly well aware that this practice, although it commenced at the South, would not end there. The party in power commenced using the bayonet to set up the carpet-baggers in the southern States, in the reconstructed States." * * * * * "Now an election is not valid unless it is superintended by the bayonets of the regular Army. Our Army moves wherever there is an election. They no longer make war upon the camps of the enemies of the Government, but they make war upon the political opponents of the Administration, and charge upon the ballot-boxes and the polls."

And, again, on the 24th of February, the Senator from Missouri said—I quote from the Globe of February 28:

"The head of the Army was made President by the bayonet. He never would have been made President if the command of the Army had not been taken from the hands of the then President, where it was lodged by the Constitution, and placed in the General's hands, in violation of the Constitution, and exercised by him through his subordinates throughout the South. He elected himself by the bayonet as much as Louis Napoleon Bonaparte accomplished the *coup d'etat* by the bayonet, and he will use it as relentlessly in New York as he has done in Mississippi."

Now, Mr. President, these are grave, bold charges, which, if true, would be a sufficient ground for the impeachment and conviction of President Grant. The Senator charges him with the gravest crime possible, that of military usurpation. I challenge the Senator to the proof. He has the opportunity. He is upon a committee where he can summon any witnesses he chooses. Let him bring the proof before the country. I cannot prove a negative. He can prove the affirmative, if his statement be true; and I hold him responsible before the country for the proof of his charge. I venture the prediction that he cannot bring reliable witnesses to swear to a single case of interference with a single voter in the South during General Grant's administration.

Sir, this talk about the fear of troops at the election is idle and absurd. The American people are not afraid of the mere sight of troops. The fact that a few troops were in New York somewhere during the election, had as little influence in keeping legal voters from voting as they chose, as did the fact that at the same time there were troops in Alaska and Paris.

But, sir, a great deal has been said about

the presence of troops in New York and about the election law which we passed at the last session, and that there was no need for the one, and no authority for the other. I hold in my hand a paper published in New York, the Evening Free Press; and as it flies, as I have said before, the name of my friend, the able and distinguished Senator from Ohio, [Mr. THURMAN,] for President, I presume it is good Democratic authority. I find in this paper this editorial in regard to elections in New York, under date of February 20, 1871:

"It may be, as some over-zealous sticklers for theoretical freedom say, anti-democratic to advocate the armed supervision of elections in this city, but we doubt it. We cannot conceive of anything in practice more anti-democratic than the corruption of the ballot-box. If the purity of elections cannot be preserved by easy methods, let it be maintained and secured by the most stringent measures. If bayonets will not suffice to prevent the will of the people from being defeated by thieves, ruffians, perjurers, and place-seekers, we say plant batteries at the polls and use them. No honest citizen cares a rush about meeting soldiers at his voting-place if they are discovered to be necessary to the prevention of his vote being either thrown aside or fraudulently counted in favor of the candidate against whom he cast it. Every good citizen, whatever may be his party, will rejoice at the adoption of any method by which the frauds which have become a system in our elections here can be stopped.

"For several years these frauds have become so gigantic, so overpowering, and so thoroughly well understood and comprehended, that decent men have refrained from voting, knowing that they would expend the time and trouble needful in so doing for nothing and to no purpose. What bribery, repeating, ruffianly violence, false registry, and whisky were unable to wholly accomplish, wholesale swindling in canvassing has completed, and thus both the city and the State have been given over into the possession of the four unprincipled rascals who are now known the world over as the New York 'ring.' These men have organized their corrupting machinery so skillfully that nothing short of Federal interference with it, and that by force of arms, can defeat its infamous purposes." * * * * *

"We must have either a Federal election law, or before a great while we shall be compelled to right our wrongs, or at least put an end to them, by recourse to a law which would be still more 'oppressive,' 'infamous' and 'unconstitutional,' namely, the law administered by Judge Lynch. The question embraced in the Federal election law which disturbs the ring was debated when the adoption of the Constitution was under consideration."

This is good Democratic authority in favor of the necessity of troops in New York at election time and on the question of the constitutional authority of Congress to pass election laws. I commend to the attention of our Democratic friends the following extract from No. 59 of the Federalist, written by Alexander Hamilton:

"The natural order of the subject leads us to consider in this place that provision of the Constitution which authorizes the national Legislature to regulate, in the last resort, the election of its own members. It is in these words: 'The times, places, and manner of holding elections in each State shall be prescribed by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.' This provision has not only been declaimed against by those who condemn the Constitution in the gross, but it has been censured by those who have objected with less latitude and greater moderation." * * * * * "I am greatly mistaken, notwithstanding, if there be any other article in the whole plan more completely defensible than this.

Its propriety rests upon the evidence of this plain proposition: that every Government ought to contain in itself the means of its own preservation. Every just reason will at first sight approve an adherence to this rule in the work of the Convention, and will disapprove every deviation from it which may not appear to have been dictated by the necessity of incorporating into the work some particular ingredient with which a rigid conformity to the rule was incompatible." * * * * * "It will not be alleged that an election law could have been framed and inserted in the Constitution which would have been applicable to every probable change in the situation of the country; and it will, therefore, not be denied that a discretionary power over elections ought to exist somewhere.

"It will, I presume, be as readily conceded that there were only three ways in which this power could have been reasonably organized; that it must either have been lodged wholly in the national Legislature, or wholly in the State Legislatures, or primarily in the latter and ultimately in the former. The last mode has, with reason, been preferred by the Convention. They have submitted the regulations of elections for the Federal Government, in the first instance, to the local administrations, which, in ordinary cases and when no improper views prevail, may be both more convenient and more satisfactory; but they have reserved to the national authority a right to interfere whenever extraordinary circumstances might render that interposition necessary to its safety. Nothing can be more evident than that an exclusive power of regulating elections for the national Government in the hands of the State Legislature would leave the existence of the Union entirely at their mercy." * * * * * "If we are in a humor to presume the abuses of power, it is as fair to presume them on the part of the State government, as on the part of the General Government. And, as it is more consonant to the rules of a just theory, to intrust the Union with the care of its own existence than to transfer that care to any other hands, if abuses of power are to be hazarded on the one side or on the other, it is more rational to hazard them where the power would naturally be placed than where it would unnaturally be placed."

Now, Mr. President, Congress has only gone so far as to provide by law certain remedies for frauds at the polls, which the majority of Congress thought perfectly proper and constitutional, and yet a great outcry is raised about it; yet this Democratic paper says, if neither the civil law nor bayonets and batteries will answer to protect the honest voters against the frauds and corruptions in that city, then resort must be had to lynch law to protect the freedom of the ballot. I think our Democratic friends must have forgotten the fact that Mr. Buchanan not only called out but used troops at an election here in the city of Washington.

Mr. BOREMAN. Will the Senator give us the date of that paper from which he has quoted?

Mr. WARNER. New York, February 20, 1871.

FIFTEENTH AMENDMENT.

Mr. President, I was surprised at the argument of my friend, the distinguished Senator from Missouri, in regard to the fifteenth amendment. He declared that the fifteenth amendment had been proposed by a usurping fragment of a Congress; that it had been carried in the northern States against the will of the people and by fraud, and had been forced upon the southern States, and yet, that notwithstanding all these alleged facts, it is binding and valid to all intents and purposes. I do

not see the connection between the premises and the conclusion.

The Senator, on the 15th of February last, said:

"What is this whole system of reconstruction, as it is called, this exclusion of States from their inherent and guaranteed rights? Taxation without representation, their fundamental laws set aside, the popular will suppressed, the right of suffrage taken from the States by a usurping fragment of Congress, the Federal Constitution itself changed in its character by the same usurping fragment and in defiance of the known and expressed will of the people. The Government is literally, practically subverted."

And yet he admits the validity of the fifteenth amendment, proposed by this usurping fragment of a Congress and adopted through fraud and force. I quote from the *Globe* of February 18 what the Senator said on this point on the 15th of February:

"Mr. MORTON. The Senator will allow me to say that his answer is not explicit. His argument is that certain States improperly ratified it; but the question was whether he regards the adoption of the amendment as complete and the amendment as being now a part of the law of the land?"

"Mr. BLAIR. I shall endeavor to be sufficiently explicit. I do regard it as complete. I do regard it as a part of the law of the land."

If I believed that the Congress that proposed the fifteenth amendment was but a "usurping fragment" of a Congress, I certainly could not hold that the fifteenth amendment is legal and binding upon the people of the United States. I am glad, to save agitation, and that so wise a measure may rest in peace and safety, that the Senator has come to the conclusion to maintain the validity of this amendment; and I hope he will adhere to it.

But, sir, what would be the result of the Senator's position that Congress was a "usurping fragment" of a legal body from 1861 to 1870? Why, sir, then at the very time that the Senator himself held a seat in the other House at the beginning of the war, it was a fragment of a Congress and he was part of it. The southern Senators and Representatives had contemptuously left their seats in Congress, not even deigning to resign, and had gone home to make war; but the Senator himself remained in the other branch of Congress, wisely and patriotically, as I remember, doing his duty there as a Representative of his State, as a part of that usurping fragment of a Congress, and took an active part in enacting the laws under which we made war, and under which hundreds of thousands of brave men were sent to their graves and thousands of millions of treasure drawn from the people of this country and expended in the prosecution of that war.

Sir, if the Congress of which he was a part was a usurping fragment of a Congress, it was without authority to prosecute war, and he and I were guilty of murder in killing men of the South engaged in the rebellion, under the pretended authority of the action of that Congress. I see no escape from the conclusion, if his doctrine be correct, that his commissions which the Senator held in the Union Army were "null and void," that his troops were but a

mob, and that he was but a marauder and plunderer when at Cheraw, South Carolina, he "dispensed hospitality in a manner to put to shame the most hospitable South Carolinian."

But, Mr. President, what is a further consequence? If by the desertion of the rebel Senators and Representatives from these Halls Congress ceased to be a legal law-making body of this country under the Constitution, and became a usurping, fragmentary body, then the rebels had it in their power, simply by leaving their seats, to destroy the legislative power of the country and to break down the Government. According to that theory, Congress was destroyed when Davis, Toombs, and their associates in rebellion left their places in Congress to engage in rebellion; the legislative power of the country was at an end; Congress was destroyed; there was no power even to make laws to put down the rebellion, to raise soldiers, or to levy taxes to pay them. That principle, if carried out, would put it in the power of a minority at any time, by leaving their seats in Congress, to break up the Government.

But, Mr. President, the Senator from Missouri denies all power in Congress to punish for rebellion, even to the extent of imposing disabilities from holding office, and asserts that there can be no legal punishment for rebellion except through the conviction of a court. The Senator said:

"This legislative trial, conviction, and punishment is known to every lawyer to be a bill of attainder prohibited by the Constitution of the United States."

If that be true, then Davis might have come back to his seat in the Senate at any time, because expulsion for treason would have been a punishment which, under the Senator's theory, Congress could not inflict. Not only Davis, but all the rest of those who left here to engage in the rebellion, could at any time have returned and claimed their seats, and there would have been no power in Congress to prevent. Furthermore, they might even now return and claim their pay; and the officers of the Army who deserted the flag to join the rebel armies might return and claim their pay, and perhaps even their places in the Army, for not one of them has been judicially convicted of treason against the Government. These are the legitimate consequences of the denial to Congress of any power to impose any punishment or disability for rebellion; and the Senator considers even the imposition of test-oaths as a punishment for rebellion.

But, Mr. President, the Senator seems to have held a very different opinion on the 11th of July, 1865, when he issued to the officers and soldiers of the seventeenth corps his famous order, from which I extract as follows:

"The Romans made their conquering soldiers freeholders in the lands they had conquered; and as upon your return to your homes you will find most of your occupations and employments filled by adepts from civil life, and as the Government has

vast tracts of vacant lands which will be increased by the war, the interests of the country and your own will occur in the apportionment of these lands to your use and occupancy, establishing a citizen soldiery to maintain internal peace and set foreign foes at defiance."

Speaking of the defeat of Napoleon's schemes in Mexico, he further said in the same order:

"If that object can be obtained by pacific means, then soldiery is at an end and your sole business hereafter will be to develop, enrich, and improve our great country. To that end our soldiers should be provided with homesteads, and in no part of the country would they fare better or would they be more useful than in the South, which they have redeemed."

Now here is a plain proposition for the confiscation of the lands of rebels, and a direct recommendation to his officers and soldiers to carpet-bag down South to the land which they have redeemed. But now, while the Senator utters no word against the Ku Klux mobs in the South, which hang men for their political opinions, he can find no language strong enough to denounce Congress for keeping a few men out of office for rebellion. What great light has the Senator seen since July, 1865, that has so changed his mind and his heart?

CARPET-BAGGERS.

But I desire to notice another charge which we hear a great deal about. The favorite name applied to our southern governments by our Democratic friends is that of "carpet-bag governments," and the northern men, mostly soldiers who went to the South after the war, are called "carpet-baggers." I know that before the war the South was a pretty hot place for a northern man with northern ideas, but supposed that one of the results of the war was the vindication of the right of any citizen of this country to go into any part of the country and become a citizen and have equal political rights with other citizens there, including freedom of speech and political action.

I did not anticipate that I should find the Senator from Missouri applying to us what is understood to be an odious appellation, that of "carpet-bagger." I am the more surprised because I think he has been something of a carpet-bagger himself. If my memory serves me right, he went to Louisiana about the same time and for the same purpose that I went to Alabama, to raise cotton, and I think had about the same luck; and I am astonished that he should be so ready to believe all the rumors that are circulated about carpet-baggers.

I know very well that when the Senator talks in a disparaging way about carpet-baggers he does not intend to apply it to me personally, for I know how kindly his feelings toward me are; but I am surprised that he should seek the disparagement of these men, who were mostly soldiers, and some of whom followed his lead in the war against the rebellion, on mere rumor, for he has been the victim of rumor himself, and I should have thought that having felt the injustice thereby

done him he would not be so ready to heed it as to others.

I remember a story which was current through the South, and was published generally in the papers, about the Senator from Missouri, and which was doubtless as groundless as most of the stories that he hears about his comrades. The story is, that at a political meeting in the neighborhood where the Senator had his plantation, his Democratic friends got a colored man to preside, as is their habit, in hopes to get the colored vote for Seymour and Blair. After the white men had got through with their speeches, which were largely made up of abuse of carpet-baggers, who, it was alleged, had gone down there to spy out and plunder the land, the colored president of the meeting was called upon for a speech. He said, in response, that he indorsed all that had been said about these carpet-baggers; that he himself had been in the employ of a carpet-bagger, and had worked for him all summer, and the carpet-bagger had gone off without paying him; and, said he, "I think you must all know him; I have heard his name called many times to-day; they call him Frank Blair." [Laughter.]

"Carpet-baggers" are northern men living at the South, and are like men everywhere; there are some good and some bad among them; but, let me tell the Senator, there are as many good men among them as you will find among any equal number of men elsewhere. We have in my State some of the Senator's own officers and soldiers, who are all the supporters of reconstruction, and who are in patriotism and moral worth, if not in position and ability, the peers of the Senator. His gallant and skillful adjutant general, whom he will well remember, is one of them, and I do not think he, when he remembers his services to his country, his fidelity in her hour of trial, his purity of private character, would expect his old commander, by any indirection even, to cast any aspersion upon him because he had seen fit to go to Alabama after the war and honestly cast his lot among that people and voted as his judgment and conscience bade him. The Senator's commissary is another of these "carpet-baggers." Now let me say to the Senator that these "carpet-baggers," mostly soldiers, who are the equals in bravery and fidelity to their country if not in ability to the Senator himself, are nearly all, I may say, almost without exception, found upon my side of reconstruction and not upon his. It is a curious fact, if this policy of reconstruction be such an abomination, such an outrage upon the people, and so contrary to the spirit in which we conducted the war, that nearly all the soldiers of the country should be found sustaining it.

I am surprised that the Senator from Missouri should revive his null and void doctrines about reconstruction. In the last presidential election he called the yeas and nays of the American people on that question, and they

voted by a majority of three hundred thousand that reconstruction was not "null and void," but should stand.

THE ALABAMA ELECTION.

Now, Mr. President, I will speak of the Alabama election, and the gubernatorial contest there, which the Senator inquires of me about. The Senator from Delaware [Mr. BAYARD] said the other day in debate, and I then sought the opportunity to correct him, but he declined to yield to me—I quote from the Globe of February 18—

"There was an election held in Alabama, as in other States, last fall. A Legislature, a Governor, a State treasurer, and other officers were elected. The governor, not content with the result of that election as evidenced by the counting of the votes, first took the usual remedy indicated by congressional example and attempted by force to keep possession of the archives of the State and the papers of his office, failing in that he resorted to the legal tribunals of his State."

Mr. President, to use the mildest term, the statement of the Senator from Delaware is entirely incorrect. The facts are these, and I avail myself of a very clear statement made in a speech by one of my colleagues [Mr. BUCK] in the House:

"You have seen it stated by the press that Governor Smith sought to retain possession of the office for which, as a candidate, he had been defeated by the use of Federal troops, negroes, militia, &c. All such reports are without foundation, and were knowingly and falsely circulated to mislead the public mind for political effect and to direct attention from the real wrongs and outrages of the Ku Klux Democracy."

"I have already shown that Governor Smith received more votes than Mr. Lindsey. I will now show you how he attempted to obtain a fair count of the vote by which he was unquestionably reelected. He employed three of the ablest lawyers in the State, namely, ex-Governor Parsons, Hon. Alexander White, and Samuel F. Rice, late chief justice of the supreme court of the State, to examine the question and advise the course proper to be taken. The constitution of the State declares that—

"Contested elections for executive officers shall be determined by both Houses of the General Assembly in such manner as shall be prescribed by law."

"This has been the language of the constitution since 1819, yet by some oversight of the Legislature has never been prescribed the manner in which it should be done. There was but one of two alternatives for the governor in this state of the case. He must give up the office to which he had been legally reelected and the cause of education and internal improvements, both of which are peculiarly Republican principles in our State, or he must resort to the courts of the land for relief."

"After a very careful examination of the legal questions involved it was determined to file a bill in the chancery court for Montgomery county, fully stating all the foregoing facts and many others which cannot be now mentioned, showing that he was not only entitled to the office by a majority of more than one thousand votes, if the votes actually given were counted, but that by means of force, fraud, and violence the Republican party had been deprived of many thousand votes which their candidates otherwise would have received."

"The bill was filed accordingly. It contained a prayer for an injunction restraining the presiding officer of the Senate, (Hon. R. N. Barr,) whose duty it was to 'open and publish' the vote for Governor during the first week of the session, in the presence of a majority of the members of the General Assembly, from performing that duty until the General Assembly, then in session, could 'prescribe the manner' for making the contest as provided in the constitution; and in case the General Assembly should

refuse to 'prescribe the manner,' then that the court of chancery should take jurisdiction of the case. In the absence of the chancellor the bill was presented to Hon. Benjamin F. Saffold, one of the judges of the supreme court of the State, who granted the injunction, which was duly issued and served on the presiding officer of the senate."

"On the day required by law that officer, in the presence of the two houses of the General Assembly, in joint convention in the hall of the house of representatives, proceeded to open and publish the vote for other executive State officers; but as he had been enjoined from opening and publishing the vote for Governor, (and also for the office of treasurer, on a bill filed by that officer,) he read to the convention a copy of the injunction in each case which had been served on him; and in obedience to them announced to the convention that he should not open and publish the vote for each of those offices; and he did not. After this was done the Senate retired immediately to the senate chamber in a body, and then adjourned until the following Monday morning (this being Saturday) at the usual hour; and the Journal of the senate will show these facts. The speaker of the House then assumed to be the presiding officer of a joint convention of the two houses, not a senator being present. In a few minutes the Lieutenant Governor-elect, having taken the oath of office before a circuit judge who was present for the purpose, but after the senate had adjourned and not in the presence of that body, collectively or individually, except one or two, came into the hall of the house and assumed to be the presiding officer of the senate, and therefore the presiding officer of that convention, upon which a large majority of the Republican members of the house retired. A secretary was appointed, and the returns of the election for Governor and treasurer were sent for, they having been returned uncounted to the secretary of State for safe-keeping by Hon. Mr. Barr. These returns were produced, and the aforesaid Lieutenant Governor-elect, claiming to be the presiding officer of the senate, proceeded to open and publish the vote for these two officers in the presence of the house of representatives only—two senators only having returned to the hall after the adjournment of the senate—and then and there declared Mr. Lindsey duly elected by a majority of fourteen hundred and twenty-nine votes."

"This high-handed proceeding, of which I was an eye-witness, was in violation of the constitution and laws of Alabama in several particulars:

"1. It was a violation of the law and fact for the speaker to assume to preside over a joint convention of the two houses when only one house was present."

"2. The constitution requires the vote for Governor to be opened and published by the presiding officer of the senate, in the presence of a majority of the members of the General Assembly. The senate was not present."

"3. The law of the State requires the Governor to take the oath of office in the presence of both houses. The oath was administered in the presence of the house alone."

"4. The Lieutenant Governor-elect was not sworn into office in the presence of the senate, over which he was to preside; and unless that body caused him to take the oath of office at some subsequent period when it was in session, and caused that fact to be entered on its Journal, there is no legal evidence that he ever took the oath of office at all."

"5. At the time the Lieutenant Governor-elect returned to the house and assumed to preside over a convention of the two houses, when only one was present, as the Lieutenant Governor of Alabama, and therefore the presiding officer of the senate, the Journal of the senate shows that body had adjourned and that Hon. Mr. Barr was the presiding officer; and the house of representatives had no power to decide that another person was the presiding officer of the senate."

"6. The house of representatives, in order to sustain this proceeding, have caused their Journal to show, as I am informed, that the Senate was present when the vote for Mr. Lindsey was opened and published, in the manner already stated, and when he took the oath of office as Governor."

"7. The whole proceeding, so far as opening and publishing the vote for Governor and treasurer was concerned, was in violation and in contempt of the injunction which had been granted by one of the

supreme judges, and duly served, and, I may add, obeyed, so far as the Republican party was concerned.

"While these unlawful and revolutionary proceedings were in progress the capitol and the streets of the city were thronged with armed and excited men. Threats were made on the street, and communicated to Governor Smith, that he would be kicked out of the executive chamber and assassinated. He believed that he was legally elected; he had appealed to the courts to assert his right to the office, as every citizen of the State may do when reelected to an office which he already holds, and he was unwilling to abandon the office and the assertion of his right to it by legal and peaceable means. Neither was he willing to be assaulted and thrust out, and perhaps killed. To prevent this United States soldiers were called to the capitol, but not to hold the office by force, as has been charged, but for the sole purpose of repelling force if an attack should be made. The Governor had already appealed to the law, and he never did resort to anything else, for the purpose of asserting his right to the office. He only called on the sheriff of Montgomery county, who was present, to protect him and the State capitol by means of the United States soldiers, as a portion of his posse, from a scene of riot and bloodshed, which he had great reason to think imminent. That the presence of the sheriff and the soldiers at the capitol that evening prevented a riot, the consequences of which no one could foretell, is at least probable.

"Before the proceedings in the house of representatives terminated which I have described night came on, and when the house adjourned the members and the crowd left the State-house. A few minutes later Colonel Drum, with four soldiers, reported to the sheriff of Montgomery county, who was at the door of the executive rooms in the capitol. In less than fifteen minutes from that time a messenger informed Governor Smith that Colonel J. J. Jolly was at the door, and would like an interview, to which the Governor replied he would receive any communication he had to make in writing. He sent a communication in writing from Mr. Lindsey, stating that he had duly qualified and was ready to enter upon the duties of his office, and that he had authorized Colonel Jolly to demand for him and in his name take possession of the executive rooms and the books and papers of the office. The Governor at once penned a reply and sent it out; but Jolly had gone." * * * * *

"Governor Smith still refused to surrender the office to Mr. Lindsey, the senate recognizing Smith, and the house Lindsey, as Governor; and this condition of affairs continued five or six days. Meanwhile, the Democratic press teemed with the most violent abuse of Governor Smith and his counsel, as also the Judge who had granted the injunction and the presiding officer of the senate who had obeyed it. They were denounced as plotters against the peace of the State, and threats against the life of the Governor were continued." * * * * *

"It may be asked, then, how does the matter stand, and why did Governor Smith withdraw? I have already shown that his friends had great reason to fear that bloodshed would be the result of a continuance of the contest, because of the violent spirit which many of the Democratic leaders manifested. When Governor Smith gave up the contest he published an address to the people, from which I make the following extract. He said:

"I have never been willing even to endanger your peace and prosperity in an effort to get or keep office for myself. It is upon this ground that I now surrender the books, papers, apartments, and paraphernalia of the office of Governor to Hon. R. B. Lindsey. With undiminished confidence in the correctness of my claim to that office, upon grounds already known to the public, I am convinced that persistence on my part in that claim will result in serious evils to you, in excitement, in tumult, and perhaps an approach to anarchy. I deliberately abandon that claim."

"Language more significant than this could not be employed. When the paper was prepared from which the above was taken it is evident Governor Smith expected to be put out of office, if he did not withdraw, by force and violence."

The injunction of Judge Saffold has never

been dissolved, and Governor Lindsey and Treasurer Grant entered upon the discharge of the duties of their offices in flagrant violation of it. Thus it is seen that Governor Smith adhered strictly to the law, while the Democrats openly violated and defied it.

Mr. President, the investigation soon to take place will show that had the will of the legal voters not been denied expression by intimidation, fraud, and violence the Republican State ticket would have been elected by ten thousand majority. I have seen it charged in anonymous communications in newspapers that the responsibility of the Republican defeat rested upon the President, Governor Smith, and myself; upon the President for removing the friends of Senator SPENCER from office, upon Governor Smith as a weak candidate, and upon me for supporting Governor Smith's nomination. The facts are, that President Grant has not removed a single officer in Alabama since he turned out, with the approval of Senator SPENCER, the appointees of Andrew Johnson.

As to the wisdom of Governor Smith's re-nomination, the facts are as follows: he was nominated by acclamation in a State convention in which every county in the State was represented and of which Senator SPENCER was a member, and despite his most bitter and abusive opposition. He ran ahead of every man on the State ticket, and ahead of each Republican candidate for Congress in each district, and in Senator SPENCER's own county, notwithstanding Senator SPENCER and his particular friends did not vote for him; and reference is made to the appointment of my brother-in-law, W. B. Woods, as United States circuit judge. Now, Senator SPENCER's written recommendation of Judge Woods for the position is now on file in the office of the Attorney General, and his appointment has given universal satisfaction to all honest men of all parties in his circuit. He is confessedly an able and honest judge and a sound Republican, though he be my brother-in-law.

The result of the election in Alabama is due mainly to Democratic violence and intimidation, but supplemented by the just unpopularity of our candidates for attorney general and superintendent of education and the opposition of Senator SPENCER and his particular friends. This much I have deemed it due to truth, to the President, to Governor Smith, and myself to say. The fact is that the Republican party of Alabama was crucified in the late election between Republican "thieves and fools" and Democratic Ku Klux. But when the Democratic party shall have purified the government of the city and State of New York it will be time enough for them to cast stones at Republican thieves in Alabama.

PRESENT CONDITION OF THE SOUTH.

Mr. President, I desire to speak of the present condition of things in the South. There are many things that I deeply deplore. There is a spirit of intolerance and bitterness and

persecution that I lament, and which I have done my best to assuage. If the honorable Senator from Missouri and his party associates had been as kindly in all their declarations as I have been; if they had sought as earnestly as I have to make peace, and had refrained as diligently as I have from using harsh words, I think we might have had a happier condition of things in the South than we now have. There is a spirit of intolerance and bitterness toward, not only Republicans of doubtful character, but toward all Republicans, which is exceedingly deplorable and reprehensible, and from which come the outrages upon person and property which the Senate committee are now investigating, and which are a disgrace and a shame, not only to the Democratic party, but to the country. I shall not trespass upon that ground, because I doubt not the report of the committee will bring the facts before the Senate and the country in a much better and more authoritative form than I can.

I shall content myself with quoting a little Democratic testimony on this point, and I hope that in so doing I shall not be accused by Democratic Senators of abusing the people whom I represent. I introduce it here to show the spirit and aim of the southern Democracy as well as the existence of an organization which tramples under foot all law and all rights, and commits the most horrible crimes—facts which demand the instant attention of the General Government and a summary remedy.

The Mobile Tribune of August 10, 1869, contained an editorial article, from which I extract the following:

"And such villains want peace, and declared that if they get not peace they will have 'action.' If we wriggle while they draw our eye-teeth they will pin us down with the bayonet. Unfortunately for them it takes two to make that arrangement. If the war involved in the above extract does come, and the scoundrels who now demand it have deliberately planted its seeds, not one of them will live to see its conclusion. We in such an event may be finally crushed under the strong arm of the dictatorial power at Washington, but not before we shall have sent the villains who brought the calamity upon us to a realm where they will find no time to exult over such a consummation. Let them remember that."

The following is from the same paper of August 9, 1869:

"Had these men been dealt with as were Dostie and his comrades in New Orleans, we would now have the assurance of peace in the community for some time to come."

The Montgomery Mail of November 17, 1870, said, in speaking of Governor Smith's course in contesting the election:

"Are we to have revolution? When the storm which the tyrants and usurpers have raised gathers from the four corners of Alabama and bursts in its fury, let it not fall upon the head of the innocent dupes! Let it fall upon the heads of those who have invited and defied it!

The Montgomery Advertiser lately contained the following editorial remarks: and let it be remembered that the Advertiser is one of the most conservative Democratic papers in the South, and is edited by a gentleman of high character and fine culture. Mr. Robert Tyler:

"Of course lawlessness and crime will be rampant

so long as the Radical party exists, and this, not only in the South, but throughout the whole country. The Radical party is itself, in its spirit and purposes, the embodiment of lawlessness and crime, and we are not sure the time has not come when some of the Radical leaders, by way of example, should be made to expiate their crimes in the face of the whole country by some punishment appropriate to their offenses."

The same paper recently contained the following:

"The funding scheme of the last session has failed, but not for the reasons the Secretary supposes. It has failed because there has been a secret disposition on the part of the masses of the people to repudiate the whole of the civil war debt. And although we do not propose to agitate this question, still it is our opinion that this enormous, and in a great measure dishonest debt, under which the nation is groaning, is and will be, as long as it stands, a monument of shame to call the attention of the world to a great scandal in the history of the United States; and we know of no species of property that deserves in this country less respect than these perfidious and blood-stained bonds. Besides, have not the people seen three billions of property in the southern States confiscated for the honor, peace, and prosperity of the nation, and hundreds of millions taken without one cent of compensation in four 'loyal' States with the same beneficent intent! Why, then, should not an odious and oppressive debt owed by a comparatively small class of individuals be disposed of in the same manner and on the same high principle?"

* * * * *

"In truth a large proportion of the body of the northern and western voters have already discovered, or are beginning to discover, two things to the reverse of what they were taught to believe for many years, and this much to their amazement, namely:

First, that the recent civil war in itself, in the educational ideas leading to it, and in its consequences, was both a blunder and a crime; and that history must inevitably so write it down, struggle as they may to avert the moral and political consequences of the terrible and infamous scandal.

Second, that the leaders of the Republican or Radical party itself, but little better in temper and principle than a mob, were and are a set of mere politicians, and the most selfish and corrupt gang of taunted and untaught knaves by whom a bad cause was ever served, or any country led into a vortex of dire misfortunes or to the brink of an awful gulf of ruin from which only the most skillful efforts can now save it.

"Of course society seldom or never confesses its errors, and never its crimes. It would be expecting too much of poor human nature to hope that the chosen leaders of the Radical mob that terrorized the North and West in 1860, or any considerable portion of the dupes composing that mob, will make an open and literal confession before the world either of folly or criminality; but it is nevertheless evident to our perception that the masses of the people begin to see how they were irritated, deceived, inflamed, and finally ensnared by those vile influences which precipitated the most wanton and unnecessary civil war that ever saturated the soil of a country with the common blood of its children."

The same paper, in its issue of 23d February, in speaking of the late war, says:

"In that great contest we believe the cause of the southern States was wholly right, that of the Radical party North and West wholly wrong. We, however, have accepted facts and destinies, and have done our best for our people, not reaching after impossibilities, but trying to give shape to what may be practically for our benefit in the present and most likely to give us power in such struggles as the future may bring forth."

The Shelby county (Alabama) Guide, a Democratic paper, recently said:

"The latest Ku Klux outrages are of a horrible character, and were perpetrated upon the persons of two negroes in Jackson county, in this State. The battle cry of the Democracy in the late canvass was

'law and order,' and against the 'fools and thieves' in power. Governor Lindsey has been installed in his office now nearly two months, within which time a number of these cold-blooded murders have been committed, and all the victims, except perhaps one, were negroes; yet not in one single instance, except the murder of the white man, Amos G. Harris, in the city of Montgomery, right under the nose of the Governor, has there been a single reward offered by his Excellency for the perpetrators of these diabolical deeds. In our own county, in the enlightened community of Montevallo, where 'Lindsey and reform' received 412 out of 422 votes cast, at least 100 of them negroes, one of these horrible murders has been committed and no notice taken of it, except by the employer of the negro, who offered a reward of \$300, through the columns of the Selma Times, for testimony sufficient to convict the parties engaged in the affair; and except this advertisement and a six-line editorial in the Times, calling attention to the advertisement, this horrible affair received no notice at the hands of the press of the State except through the columns of the Selma Argus and Montgomery Advertiser.

"Our opinion is that a few thousand dollars in rewards for these murderers would bring some of them up dangling at the end of a rope, and would have a tendency to stop their outrages and, perhaps, put an end to Parsons' reconstruction. But strange to say, some of the Democratic press of Alabama, instead of rebuking these crimes, encourage them either by silence or innuendo, and even to-day some of them are, in an indirect manner, pointing Parsons out as a good subject for one of these outrages.

"If the Democratic party mean peace and 'law and order,' let them begin at once to bring it about—Governor Lindsey by offering suitable rewards for the perpetrators of these crimes, and the press denouncing them in the severest terms."

The following is from a recent number of the Charleston (South Carolina) News, Democratic:

"In common with the great mass of the law-abiding people of South Carolina, we deeply deplore the murderous outrages which have been committed in Union county by the so-called Ku Klux Klan. These outrages, there is good reason to believe, are chiefly from Georgia and North Carolina, but some of them are Union county men. They have made themselves the judge and jury. They gave to the miserable prisoners no opportunity of saying a word in their defense. It may be that the action of the marauders was precipitated by the rumor that the prisoners in jail were about to be removed to Columbia, where they might hope for a partial trial and a speedy acquittal. This, however, is no excuse for the dastardly crime of their self-constituted executioners.

"There is no justification whatever for the downright murders in Union county committed by the disguised desperadoes who call themselves Ku Klux. They are neither more nor less than murderers, and it is demanded that they be brought at once to the bar of justice, or scourged beyond the limits of the State. Their conduct is as foolish as it is intrinsically wrong. They are playing directly into the hands of our bitter political foes. We have had already long years of tyranny and oppression, brought about by the violence or stupidity of misguided men, who would redress all their wrongs by the bludgeon of the bully or the rifle of the assassin. Unless we would go back to the inchoate condition with which reconstruction made the State familiar, the recurrence of the Union outrages must at once be made impossible.

"To send negro militia into the up-country, excited as the people are, is to hurry them to destruction. A detachment of United States troops could, however, prevent Ku Klux outrages, and would have the moral support of all good citizens. As it is, a gang of desperadoes and reckless boys strike a terrible blow at the peace and prosperity of the State."

The Abbeville (South Carolina) Press, Democratic, recently said, in speaking of the doings of the Ku Klux in that State:

"All good citizens must unite in denouncing them as evil, and only evil, as increasing tenfold the

troubles they seek to remedy. They are neither to be justified, excused, nor palliated. They are alike lawless, unauthorized, and impolitic. Lawless they are, because they transgress the highest obligations which we owe to God and man; unauthorized, because they involve, without their consent, a whole community in the bitter consequences of the act of a reckless few; impolitic, because they inaugurate a reign of violence which is destructive of every interest of society.

"Better the veriest despotism which ever crushed out the spirit of a free people than this lawless anarchy, which makes the lives and property of the citizen the sport of every reckless marauder. Between such a state of things and the military we choose the latter. Sooner than this, let the State be remanded to the territorial condition, or governed as a conquered province by the strong arm of military law."

The Selma (Alabama) Argus, a Democratic paper, lately published the following:

SIR: I see from your article in your last issue (January 27) that you accuse a body of disguised men of going to Greensborough, on Tuesday last, and releasing a man from the jail in that place who had been confined for horse-stealing. We inform you, sir, that your author has told a malicious falsehood. The man who was released on that evening was not confined for horse-stealing, but for killing a negro and the taking of a Yankee's horse (openly) that it might enable him to make his escape from a court (like Blackford's) of injustice; and we say to you, sir, that the party did not visit Greensborough on that evening for the purpose of releasing this man McCrary, but for the purpose of catching and giving Mr. Blackford what he lawfully deserves and will get before the 1st day of March. We do not communicate to you for the purpose of clearing ourselves of but one thing, and that is the release of a horse-thief. Sir, it is not our object to release thieves, but, on the other hand, it is our sworn duty to bring them all to justice, and we in this section of country intend and will see that all thieves shall be punished to the extent of the law, and in cases where the law cannot reach them the party that released the man in Greensborough will give them all they deserve, and perhaps a little more.

Yours, truly, &c.,

K. W. C.

TO THE EDITOR OF THE ARGUS.

P. S.—The writer is a subscriber to your paper, and would be pleased to see this and an additional article by you in your next issue.

K.

ALABAMA, January 31, 1871.

COMMENTS.

"Our version of the affair at Greensborough was based upon the statement of the Greensborough Beacon, and the reports telegraphed to the press. The author of the above letter corrects our errors. McCrary was only guilty of 'killing' a negro and 'taking' a horse. The object of the disguised men was not to release a horse-thief, but to lynch a probate judge. This is the version of one who claims to have been of the party of disguised men whose conduct on the occasion in question was an example of lawlessness and has already brought evil upon the innocent victims of the incendiary fires provoked by it."

The Courier-Journal, of Louisville, Kentucky, the ablest Democratic paper of the South, only this week boldly and patriotically said, in speaking of the Ku Klux:

"They have usurped the powers of government; made murder their pastime and terrorism their scepter; conferred upon their adherents the right of private vengeance, and assumed to protect them from the penalties of outraged law. No home is safe, no place is sacred from their invasions. To show their strength and their utter contempt for all departments of the State government they fill the vicinity of the capital during the brief period of the legislative session with deeds of blood, and carry their lawless violence with insulting defiance to the very doors of our legislative halls. This stain upon the escutcheon of Kentucky, this humiliation of our proud State, has culminated under a Democratic State administration; and yet the Legislature, so prompt to resent

a newspaper censure, has affected to ignore the facts and disregard the disgrace." * * * * *

"A few days since we observed that the lack of vigor on our part tends to encourage lawlessness. Is this not an example in point? Do we not see that our outlawry is enlarging its sphere and growing more overpowering as we fail to meet it with acts proportioned to its force and extent? But a fortnight ago it rode down upon the postal service of the Federal Government in broad daylight, and one of our most public highways narrowly escaped a wanton murder. A train guard of soldiers is the consequence. Now, it rides into the capital of the State, overcomes the police that watch the rest of our legislators, our Governors, our judges, and all our Commonwealth authorities, seizes a prison, releases a murderer, and rides off in triumph."

The Rome (Georgia) Commercial recently deprecates the bold acts of the Ku Klux, and says their outrages will lose the Democratic party thousands of votes in 1872. It therefore advises quiet for the present. It says:

"Remember, brothers, that the strength and power of any secret organization rests in the attribute of mystery and hidden force, and in the fact that upon the thousand hills of our country a legion of brave hearts that are throbbing quietly can be called together by a tiny signal, and when the work is done can melt away into shadowy nothing. Every time you act you weaken your strength. Then, be quiet. If an inexorable necessity calls for action, act promptly, with decision, and do nothing more than is absolutely necessary."

The military committee of the present Kentucky Legislature proposed that \$500,000 be appropriated "to ferret out the perpetrators of the cowardly outrages perpetrated by unknown and disguised parties;" and its chairman pledges "every confederate soldier to speak with a voice that cannot be mistaken, that law and order, and the peace and dignity of the State must be maintained," that "outlawry must be wiped out, even if in the blood of the perpetrators." And here a painful contrast is suggested to my mind. While the confederate general, Breckinridge, before a Senator, denounces the Ku Klux as murderers and outlaws, the Federal general, now a Senator from Missouri, has uttered no word of disapproval.

The Senator from Ohio [Mr. THURMAN] did utter these brave, useful words; and I honor him for so doing, notwithstanding his harsh words about my party:

"Mr. President, I have never uttered one word of defense in favor of Ku Klux organizations. The Senate will bear me witness that no one spoke more strongly against them than I did at the last session. If I were looking at the subject simply in a partisan point of view, I am not so stupid as not to know that every outbreak of that kind only injures the party to which I belong, only furnishes the material for our opponents to excite the passions of the people and excite the passions of Congress. I know it full well; and if my voice could reach every man who violates the law in the South, and could have potential influence with him, it would be addressed to him in three simple words, 'obey the laws.' Such are my feelings; such are my natural instincts; and such is my interest and the interest of the party to which I belong. There is nothing to be gained by us by outrages, which only furnish our adversaries with pretexts for passing acts of legislation that but a few years ago would have shocked every sense of liberty, of freedom, and of constitutional law that had an abiding place in the American heart."

If all the Democratic Senators on this floor

and the Democratic Representatives in the other House, instead of seeking to deny or palliate all intolerance and violence at the South, would boldly denounce them, they would do the country a service. The Senator from Ohio is the only Democratic Senator who has thus spoken. I wish the Senator from Missouri would use his mighty influence with his political friends at the South, not to excite and inflame passion, but to restrain and calm it down. His voice would be potent for peace as it has been for disturbance. If the Democratic representatives in this Chamber and in the other House would with one voice boldly say to their political friends at the South, "You must stop this violence and proscription for political differences," they *would* stop it. Their influence would be effective in aid of peace, and I hope it may be patriotically exercised in that way.

While I do not charge the whole body of the southern people with responsibility for these outrages, I do say that they are responsible for not crushing them out by creating a determined public opinion that shall make the civil law powerful to arrest and punish criminals. There is a great body of good men at the South who deplore this violence and proscription, but they have not yet made their influence effectively felt. I hope that all good men may come to the point of aiding to put an end to both.

Sir, the language which I shall read, coming from a man whom I know to have been a brave Union soldier, and who is an honest, good citizen, is enough to stir the blood of every honest American citizen. He writes me, under a very recent date:

"I feel a little mortified, to say nothing of the anger that rises, when I think that I, after fighting for the 'old flag' when it was tottering, should be forced to leave any portion of the land over which it waves on account of my fidelity to her many stars and stripes. But such is the case: 'To leave or die' was their motto."

I tell Senators from my personal knowledge that in the county in which he lived his life was not safe, and to save it he was obliged to leave. That is true of that county. It is not by any means true of all nor of a majority of the counties in the State of Alabama. He lived in the town of Eutaw, where the scene occurred which I described the other day, and where I was denied in 1868 the right of speech. If it ever happens to the Senator from Missouri, as I hope it never may, to experience the pain of being denied the right to express his political opinions, he will find how hard it is for an American citizen, and particularly for one who has been a soldier, to submit to it.

When I attempted to make a mild, calm, conciliatory speech, such as I always make, I found an armed mob who denied me the right; and when, from a natural and just indignation which arose in my heart that I should be denied a right guaranteed to me by the Constitution of my country, I said that I would speak there if it took a thousand soldiers to protect

me, the mob told me! "Bring on your Federal soldiers and we will butcher them!" Such things are a shame and a disgrace to the country. Does the Senator from Missouri agree with me?

But, sir, the great difficulty about this violence in the South, as the committee and the Senate will find, is that it comes from an organization which extends throughout the southern States. If we only had to deal with sporadic cases of crime, that occur from individual passion or excitement, it would be comparatively a trifling matter. It is the fact that there is an organization made up of the worst material in the country, the same material out of which mobs are made everywhere, whose main object is to control elections, that makes violence so general and so audacious, and renders it impossible to suppress it and to enforce the law against the perpetrators. It is not, let Senators understand, the brave confederate soldiers who mainly compose this organization. The best and boldest men of the confederate army have nothing to do with it. The editors of newspapers in the South, above all other men, are responsible for creating bitterness of feeling and for disseminating prejudices and exciting passions out of which comes violence, and they are not the men whom the Senator from Missouri and myself met upon the field of battle. They are either men who were not soldiers at all or who have no record as such of which they can be proud.

PEACE.

But, Mr. President, I want peace, and have preached it from the end of the war. I have steadily opposed all confiscation and proscription because of rebellion, and I have never said a word which could grate harshly upon the ears of an honorable confederate soldier. In a speech which I made at Huntsville, Alabama, last fall, and which was widely circulated by the Republican State committee, I said:

"But the bigoted sectionalism of the action of the Democratic convention shall not change my course. Beaten, baffled, and ruined, as is the Democratic party of Alabama and the Union, I can afford to overlook its illiberality, and I shall continue to labor zealously for universal amnesty as tending to the peace and prosperity of my country. The highest purpose of my heart is that all the citizens of my country shall have the peaceful enjoyment of equal rights and that they shall be bound together in the indissoluble bonds of fraternal love.

"Proud, as I justly am, of the humble part which I bore in the struggle for the Union and liberty, I have never sought to punish the confederate soldier for the part he took against the Government. I have been and am willing and anxious that by-gones shall be by-gones, and want the Government to forgive all political offenses, however unjustifiable. I cannot justify, but I can forgive rebellion. 'Vengeance is mine; I will repay, saith the Lord.' I will forgive, and leave to 'Him who doeth all things well' to judge us, and to mete out to all their just deserts. I sympathize as deeply as any man can with the people of the South in those sorrows which the war brought upon them, and I wish to do all that lies in my power to heal its wounds and repair its ravages. I cannot make full allowance for the feelings of wounded pride and deep humiliation which the leaders in secession felt at their defeat and ruin. All this I have considered and felt, and while I have been, and shall continue to be, firmly

and steadfastly true to the great principles of Union, liberty, and equality, which inspired our armies, and which it is the mission of the Republican party to make real and practical, yet I have spoken no word since Appomattox which could justly wound the tenderest sensibility of any honorable, brave confederate soldier. I fought under my country's banner for results—the results of Union, liberty, and peace, not for the gratification of any personal animosity, for I had none. Union and liberty have been secured, and there remains to be obtained only peace and good-will. To this end all my efforts have been directed since 1865, and for this end I speak to-day.

"I respect the bravery and skill of the confederate soldier, though deeming him in the wrong. He vindicated his sincerity with his heart's best blood. He fought a brave fight, and was beaten, as I think he ought to have been. The issues which arrayed us against each other have been settled by the God of battles. Under the stars and stripes I offer him the hand of fellowship and friendship, and would extend to him all the political rights and privileges which I myself enjoy. I ask him to accept the olive-branch which I tender, and to join in giving equal rights to all, and in giving peace and prosperity to our State and country.

"General Grant's administration ought to be the pride of every American citizen. Honesty, economy, and fidelity pervade every department of it. Why cannot we support it? Abandoning strife, according to all the rights we claim for ourselves, not seeking to turn backward on the dial of progress, or to reopen settled questions, only to get the same results after much strife and bitterness, why stand and rail at doom and fight destiny by seeking to hinder the success of republicanism? Why not leave the past to bury its dead, and turn our faces and our steps toward the future, which beckons us so kindly, and which holds in its hands such rich gifts?

"One word more and I am done. Crime and outlawry disgrace some small sections of the State. Disguised men commit deeds of violence and murder, which cry to Heaven for punishment. These crimes paralyze industry, check immigration, keep away capital, and demand swift punishment; and I appeal to the solid good citizens of our State to rise in their might, and, through the majesty of a determined public opinion, enforce the law. Do not allow the State or national Government to be tempted too far by the continuance of violence. These crimes must and will be stopped. The responsibility rests upon the substantial citizens of the State to create a public opinion which shall make the civil law effective to protect life and property. Let no one be silly enough to think that any political party can be benefited by violence. It will ruin any party in any State that abets it. Elections carried by violence and terror are no elections, and will be so regarded. Let us agree to disagree on questions of political policy, but let us all preach 'peace and good-will to men,' standing on the grandest platform yet given, 'Do unto others as ye would others should do unto you.'"

PEACE AND JUSTICE.

Yes, Mr. President, I want peace, but with it justice. I would imitate nature. My pathway from my home to this Capitol lies over one continual battle-field, nine hundred miles long, and I observe with pleasure that the rains and frosts and dews are aiding the industry of man to smooth down the rugged outlines and sharp angles of forts and fortifications, while her vines and flowers seek to hide the evidences of strife. So would I, by kindly and liberal legislation toward the South, and by kindly words, seek to turn away wrath and make peace. The Union men and Republicans of the South only ask for toleration of political opinion and action; and this we have a right to demand, and this it is the duty of the Government to guaranty us. While we pray for peace we are asked to pay too dearly for it.

Mr. President and Senators, I am for peace; but if peace can only be had on condition of digging up and casting out the bones of our dead soldiers from the graves where the nation has buried them, and which have been strewn with flowers by a grateful people, and wet with the tears of widows, mothers, and orphans; of not only forgiving the rebel, but of asking his forgiveness for having been a Union man; of putting the gray above the blue, the stars and bars over the stars and stripes, of repudiation of the national debt, of denial of free speech and freedom of political action, of putting the negro in a condition of serfdom, then the old issues are raised, and I am not for such a peace. I am willing to bury the gray and the stars and bars, and that their friends shall drop their tears on their graves without reproach from me; and I can add my respect for the courage of the brave men who died for these, and I can share my sympathies for the sorrowing widows, orphans, and maimed men with which the rebellion filled the whole land—with all, whether of the blue or the gray; but buried must be the stars and bars, while the stars and stripes must float forever, and under them must be liberty and justice.

If pictures are to be hung in legislative halls to commemorate the heroes of the war and to suggest to the rising generation examples for them to follow, they must be pictures of Thomas, not of Lee; of the Virginian who stood by his country's flag in the hour of peril, not of him who deserted it.

My land is the water-bound Republic; my gods are the gods of my fathers—Union, Liberty, Justice—and I can submit to no dismemberment of the one, no dethronement of the others. The orange groves of Florida, the snows of Maine, the cotton fields of Texas, and the golden glories of California, as well as the great central heart of the country, are alike dear to me; and I embrace them all in a common love, and demand that everywhere shall be maintained and secured protection to life, property, and constitutional rights.

To secure this result, without which free government is a failure, many of the State governments in the lately rebellious districts are powerless, because the agencies and organizations which disturb the peace of society and defiantly trample upon the dearest rights of the citizen are sustained by the controlling public opinion of those States. This is as true of Democratic Kentucky as of Republican South Carolina. Alexander Hamilton wisely foresaw that the hope and safety of this coun-

try were not in the power of its subdivisions or States, but in the whole people of the country as a nation. Hence he favored giving strength to the central General Government, and held that the rights of the people were above State rights. His prediction has been fully verified by the events of the last ten years.

The people of some of the States sought to subvert the Government and divide the country. The nation crushed rebellion and saved the Government and the country. And now, while crime and outlawry are able to hold high carnival in some of the States, because supported by a local public opinion, which makes local governments powerless to check, the public sentiment of the country at large is sound and healthful, and the General Government is powerful to sustain and enforce its laws. In these is now our hope, and to these I now appeal, in behalf of the loyal, law-abiding citizens of the States of North Carolina, South Carolina, Florida, Georgia, Alabama, Mississippi, Tennessee, Arkansas, Louisiana, Kentucky, and Texas for protection.

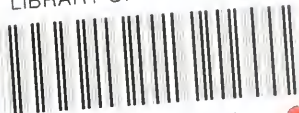
We have given freedom and political rights to the late slaves of the South, and have thus robbed them of the sympathy and protection which self-interest induced their late masters to give them. They are now being ground between the upper and the nether mill-stone. Shall we fail to rescue them, and to protect them in the rights which the nation has given them? Shall we fail to protect the loyal white men of the South in their rights of life, property, and ballot? If we do, then reconstruction is a failure and the rebellion has half triumphed. No, Mr. President, the people of this country will not allow it. Let Congress and the President act quickly, boldly, decisively, and make the flag guaranty to every citizen at home, that ample protection in his just rights which it carries on every sea, and continent, and island of the globe, and the people will firmly and patriotically sustain their action. No man can clearly foresee all the evil consequences of failure to thus act. I can see plainly foreshadowed as the results of failure, the nullification of the fifteenth amendment, the reduction of the negro at the South to a serfdom nearly as bad as slavery, the repudiation of the national debt, the payment for slaves and of the confederate war debt either by the General Government or the States. Let us and the country be warned in time, that we may avert the evils which threaten us, and that the Republic, through justice and peace, may sweep on to its grand destiny of the future.

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